

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: April 20, 2022

Time in Court: 8:36-10:15 AM; 10:22-11:59 AM; 12:40-2:16 PM; 2:44-4:20 PM
(TOTAL Time: 6 hrs, 28 min)

Courtroom Deputy Clerk: Cheré Robinson
Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, John Bostic, Robert Leach
Also present: Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares,
Aaron Brecher, Shawn Estrada, Sachi Schuricht,
Molly McCafferty

Also present: Paralegal – Jennifer Cygnor
Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS: Motion Hearing and Jury Trial (Day 20)

Motion Hearing and Housekeeping Matters: 1 hr, 14 min (8:36-9:50 AM)

Hearing on [1401] Defendant's Motion to Allow Cross-Examination Relating to Dr. Adam Rosendorff's Post-Theranos Employment. Argument of Counsel heard. Housekeeping matters addressed.

Jury Trial: 5hrs, 14 min (9:50-10:15 AM; 10:22-11:59 AM; 12:40-2:16 PM; 2:44-4:20 PM)

Jury Trial held April 20, 2022. Testimony held and evidence entered.
Further Jury Trial set for April 22, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 3231, 1049, 1491, 1432, 1772, 2188, 1724, 2099, 4836, 4145, 4147, 4840, 4222,
1555, 4116, 4189, 1214, 4124, 4014, 1717, 4292, 4182, 4181, 4520, 4047, 4323,
4314, 4330, 2228

Defendants: 20304, 20305, 7386, 7603DD

The following exhibits are admitted into evidence:

Plaintiffs: 3231, 1049, 1491, 1432, 1772, 2188, 1724, 2099, 4836, 4145, 4147, 4840, 4222,
1555, 4116, 1214, 4124, 4014, 1717, 4292, 4182, 4181, 4520, 4047, 4323, 4314,
4330, 2228

Defendants: 20304, 20305, 7386

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

**Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18- CR-00258-2 EJD**

TRIAL LOG

TRIAL DATE: April 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		8:36 am	Court in session with Counsel, outside of presence of Jury and witnesses	
			Court conducts motion hearing and housekeeping matters	
		9:50 am	Court requests Juror #8 and Counsel attendance at sidebar.	
		9:52 am	Court in session with Counsel and Juror #8	
			Session SEALED	
		10:00	Juror #8 departs sidebar	
			Court in SEALED side-bar session with Counsel out of presence of Jurors and witnesses	
		10:15 am	Court breaks for 7 minutes	
		10:18 am	Juror #8 excused	
		10:21 am	Jury enters Courtroom	
		10:22 am	Court in session in presence of Counsel and Jury	
			Court queries Jury re previous admonishment	
		10:24 am	Government calls Dr. Adam Rosendorff	
		10:25 am	Witness #7 – Dr. Adam Rosendorff sworn and takes the stand	
			Government begins direct examination of Dr. Adam Rosendorff	
3231	Obj	11:00 am	Offered into Evidence	
			Further foundation to be laid	

TRIAL DATE: April 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		11:01 am	ADMITTED into Evidence: 2013-08-31 Email String re GC Assay	
1049		11:08 am	ADMITTED into Evidence: 2013-08-29 Rosendorff/Holmes/Balwani Email String re Concerns about the launch	
1491	Obj	11:20 am	Offered into Evidence.	
			8036 foundation to be laid	
		11:21 am	ADMITTED into Evidence: Jan 2014, Email String re End of Shift Log 1/28 2pm	
1432		11:27 am	ADMITTED into Evidence: Jan 2014, Rosendorff/Cheung/Sivaraman Email Chain re QC for EDISONS	
		11:37 am	Ex. 1633 – previously admitted	
1772	Obj	11:43 am	ADMITTED into Evidence: June 2014, Email String re update and re Edison backlogs	
2188		11:52 am	ADMITTED into Evidence: Nov 2014, Rosendorff/Holmes/Balwani Email String re Theranos tests	
		11:59 am	Court breaks for 41 minutes	
		12:40 pm	Court in session in presence of Jury and Witness #7	
			Government continues direct examination of Dr. Adam Rosendorff	
1724	Obj	12:55 pm	ADMITTED into Evidence: 2014-05-13 Rosendorff Email to Pangarkar re PT testing for Edisons	
2099		12:58 pm	ADMITTED into Evidence: 2014/10/16 Rosendorff Email to Arington re Changes in primary methods and CMS reporting	
4836		1:10 pm	ADMITTED into Evidence: Oct 2013, Email String re hCG precision	
4145		1:16 pm	ADMITTED into Evidence: May 2014, Balwani/Young/Holmes Email String re OORL results	
4147		1:20 pm	ADMITTED into Evidence: 2014-05-30 Rosendorff Email to CLS re hCG testing	
4840		1:27 pm	ADMITTED into Evidence: June 2014, Email String re Patient results	
4222		1:33 pm	2014-09-29 Email String re Customer Issue - GM	
1555		1:37 pm	ADMITTED into Evidence: Feb 2014, Rosendorff/Balwani/Young/Holmes Email String re HDL values	

TRIAL DATE: April 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
4116		1:41 pm	ADMITTED into Evidence: 2014-03-31 Rosendorff/Balwani/Young Email String re CO2 (Bicarbonate) issue	
4189		1:45 pm	ADMITTED into Evidence: Aug 2014, Email String re Voided CO2 Results	
1214		1:51 pm	ADMITTED into Evidence: Nov 2014, Email String re Advia in normandy	
4124		1:54 pm	ADMITTED into Evidence: Apr 2014, Email String re Dr. Kwatra/Dr. Stamps	
4014		2:01 pm	ADMITTED into Evidence: Oct 2013, Young/Balwani/Holmes Email String re CLIA updates	
1717		2:03 pm	May 2014, Email String re ISE Output – 5/9/2014 3:30:17 PM	
4292		2:05 pm	ADMITTED into Evidence: Oct 2014 Email String re Critical ISEs	
4182		2:10 pm	ADMITTED into Evidence: Aug 2014 Email String re bot experience	
4181		2:15 pm	ADMITTED into Evidence: Aug 2014 Email String re bot experience, cont'd.	
		2:16 pm	Court breaks for 28 minutes	
		2:44 pm	Court in session in presence of Jury and witness (Dr. Adam Rosendorff)	
4520		2:45 pm	ADMITTED into Evidence: 2015-09-14 Balwani/Fosque Email String, and attachments – Appendix B – MDF Comments. docx; Final log of Complaints and IRQs as of 9_11_15_MDF Updates.xlsx	
4047		2:55 pm	ADMITTED into Evidence: Nov 26-27, 2014, Holmes Emails to Young et al. re path for walking the auditors	
4323		2:59pm	ADMITTED into Evidence: Nov 2014 Rosendorff/C. Holmes Email String re Escalated Call – 111240	
4314		3:05 pm	ADMITTED into Evidence: Nov 2014 Email String re Escalated Call – 111240 (cont'd)	
4330		3:09 pm	ADMITTED into Evidence: Nov 2014 Rosendorff/Holmes Email String re Ebola	
2228		3:15 pm	ADMITTED into Evidence: 2014-11-21 Email String re Redraw request 11-21-14	
		3:17 pm	Ex. 5387H – previously admitted	

TRIAL DATE: April 20, 2022			REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION	
		3:21 pm	Government completes direct examination of Dr. Adam Rosendorff	
		3:24 pm	Defense begin cross-examination of Dr. Adam Rosendorff	
Obj	20304	3:30 pm	Offered into Evidence	
		3:31 pm	Further foundation to be laid	
		3:31 pm	ADMITTED INTO EVIDENCE: Nov 2013 Email String re Interview-Langly Lee- Clia QA/QC Manager or Laboratory General Supervisor	
	20305	3:38 pm	ADMITTED into Evidence: Clinical Laboratory Improvement Amendments (CLIA Application for Certification), dated 11/25/2013, Director's Attestation attachment	
	7386	3:51	ADMITTED into Evidence: Centers for Medical and Medicaid Services Clinical Laboratory Improvement Amendments – Certificate of Compliance, dated 01/09/2014	
Obj	7603DD	3:53 pm	Offered into Evidence	
		3:54 pm	Further foundation to be laid	
			Reserved for later	
		3:58 pm	Court admonishes Jurors	
			Jurors depart Courtroom	
			Dr. Adam Rosendorff released for day	
		3:59 pm	Court in Session out of presence of Jury and witness	
		4:20 pm	Court adjourns	
			Jury Trial Continued to April 22, 2022, at 9:00 AM	